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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,658	10/24/2003	Jean-Francois Garin	71247-0014	6349
22902	7590	07/24/2007	EXAMINER	
CLARK & BRODY 1090 VERNON AVENUE, NW SUITE 250 WASHINGTON, DC 20005			STRIMBU, GREGORY J	
		ART UNIT	PAPER NUMBER	
		3634		
		MAIL DATE	DELIVERY MODE	
		07/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/691,658	GARIN ET AL.	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 April 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4,5,12 and 13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,5,12 and 13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

***Claim Objections***

Claim 4 is objected to because the degree symbol does not follow "135" on line 4. Claim 13 is objected to because it appears that "firs" on line 1 is a typographical error. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1, 2, 4, 5, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a door chassis" on lines 2-3 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the door chassis set forth above or is attempting to set forth another door chassis in addition to the one set forth above. Recitations such as "the reception structure displacement means" on line 2 of claim 2 render the claims indefinite because they lack antecedent basis. Recitations such as "the mobile panel" on line 3 of claim 2 render the claims indefinite because it is unclear to which one of the plurality of panels set forth above the applicant is referring. Recitations such as "the top part" on line 2 of claim 12, "the lower rail" on line 3 of claim 12, and "the lower part" on line 4 of claim 12 render the claims indefinite because they lack antecedent basis. Recitations such as "one" on line 4 of claim 12 render the claims indefinite because it is unclear to what element of the invention the applicant is referring. Is the applicant referring to the upper rail, the top part, the lower rail, or the lower part? Recitations such as "the guide rail" on line 5 of claim 12 render the claims

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indefinite because it is unclear to which one of the plurality of guide rails set forth above the applicant is referring.

door chassis is part of the automated machine or in addition to the automated machine. If the latter is not the case, it would appear that the applicant is claiming the combination of a door and a door frame. Recitations such as "at least one mobile panel" on lines 2-3 of claim 1 render the claims indefinite because it is unclear if the mobile panel comprises part of the door or is in addition to the door. Recitations such as "a means for displacing the reception structure" on line 9 of claim 1 render the claims indefinite because it is unclear how the guide means and the means for displacing the reception structure differ. It would appear that the guide means and the displacement means are the same. Recitations such as "the open position of the opening" on lines 5-6 of claim 7 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How does the opening have an open position? It would appear that the panels have the open position rather than the opening.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasnock et al. (US 6715311) in view of Ootsuka et al. (US 2003/0103023). Wasnock et al. discloses a door and door chassis combination for an automated machine, comprising first 30 and second 20 mobile panels and a door chassis 24 delimiting an opening (not numbered, but shown in figure 2), the door chassis equipped with guide means 118 for the movement of the first and second mobile panels between a closed position as shown in figure 1 in which a facade of the mobile panels at least partly closes the opening and an open position as shown in figure 2 in which the mobile panels are located laterally with respect to the opening, wherein one of the first and second mobile panels includes a façade (not numbered, but shown in figure 1 having the handle 34 mounted thereto) which is accessible when the mobile panels are in the closed position as shown in figure 1, and a means 102, 118 for displacing the mobile panels assuring that when the mobile panels are in the open position as shown in figure 2, the facade of the panels is positioned so that an operator in position in front of the opening in the door chassis can access the opening and the facade at the same time, wherein the displacement means comprises at least one support 132 and guide rail 118 for at least one roller device 102 fitted on the first mobile panel hinged to the second mobile panel, the second mobile panel hinged on the chassis, the first and second mobile panels being intended to fold in contact with each other, and when folded, the door chassis opening is accessible, wherein the reception structure displacement means are composed of means 102, 108, 132 for sliding and pivoting the mobile panel thus ensuring that the mobile panel facade is facing the

opening when the mobile panel is in the open position, wherein the reception structure displacement means enable the facade of the mobile panel to move into a plane forming an angle with the plane delimited by the opening equal to between 40° and 135° as shown in figure 2, wherein the support and guide rail is an upper rail 118 arranged in the top part of the door chassis and the door chassis further comprising a guide rail 148 as the lower rail arranged in the lower part of the door chassis, one supporting the at least one roller device 102 with the guide rail 118 supporting a guide device 110 fitted on the first mobile panel 30, wherein the first mobile panel 30 further comprises a housing (not numbered, but shown in figure 5) surrounded by side plates 50, 52, 54, a back plate 46 and the façade 44. Wasnock et al. is silent concerning a man-machine interface.

However, Ootsuka et al. discloses a reception structure 4 and a man-machine interface 10 mounted to the reception structure, a facade of the man-machine interface accessible when the mobile panel is in the closed position, the man-machine interface includes control means 201.

It would have been obvious to one of ordinary skill in the art to provide Wasnock et al. with a reception structure and man-machine interface, as taught by Ootsuka et al., to enable a user to monitor which items are stored in the automated machine.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasnock et al. in view of Ootsuka et al. as applied to claims 1, 2, 4, 12 and 13 above. Wasnock et al., as modified above, is silent concerning the façade of the mobile panel being

positionable in a plane approximately perpendicular to the plane delimited by the opening.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to enable the panel to pivot into a plane approximately perpendicular to the plane delimited by the opening to increase the amount of the opening exposed for access to the chassis.

### ***Response to Arguments***

Applicant's arguments filed April 27, 2007 have been fully considered but they are largely moot in view of the new grounds of rejection. However, the applicant's comments concerning the motivation for combining the teachings of Ootsuka et al. are relevant to the current rejection and have, therefore, been addressed below.

Ootsuka et al. discloses a display panel which includes a bar code reader 17 and displays information about the stock of food in the refrigerator. See paragraph 57. Therefore, one of ordinary skill in the art would be motivated to mount the display panel system, as taught by Ootsuka et al., on the door panel 30 of Wasnock et al. so that a person stocking the refrigerator can easily ascertain what items have been placed in the refrigerator.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

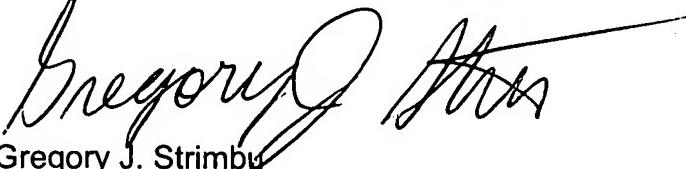
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
July 19, 2007